

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KEVIN KING,

Plaintiff,

File No. 4:02-CV-141

v.

HON. ROBERT HOLMES BELL
CHUCK ZAMIARA, et al.,

Defendants.

/

MEMORANDUM OPINION AND ORDER

This matter is before the Court on Plaintiff's proposed bill of costs (Dkt. No. 192) and Defendants' opposition thereto. (Dkt. No. 195.) Plaintiff has requested the court to tax costs in the total amount of \$5,258.66, broken down as follows:

\$150 filing fee in this Court
\$455 filing fee for the March 12, 2004 notice of appeal
\$227.60 for 1,388 copies at 20 cents per page
\$4,426.06 for costs reimbursed by the Pro Bono Plan

(Dkt. No. 192.)

Defendants object to three items on Plaintiff's proposed bill of costs. First, Defendants object to Plaintiff's request for reimbursement of the \$455 filing fee for his March 12, 2004, notice of appeal. The issue of costs for the March 12, 2004, notice of appeal was considered by the Sixth Circuit, and the decision was made not to award any

costs. *See King v. Zamiara*, No. 04-1366, Mandate (6th Cir. Nov. 1, 2005). This Court will not revisit the issue of costs for that appeal.

Second, Defendants object to Plaintiff's request for copying costs at the rate of 20 cents per page because the prison only charges 10 cents per page. *See P.D. 05.03.116(K)* (Prisoners' Access to the Courts). Plaintiff contends that he did not use the prison copying service and that 20 cents per page reflects the price Plaintiff's wife was charged by the law firm that allowed her to make the copies. (Dkt. No. 196, Pl.'s Supp. 2.)

In reviewing a request for taxation of costs, the Court considers whether the expenses are allowable cost items and whether the amounts are reasonable and necessary. *Jefferson v. Jefferson Cnty. Pub. Sch. Sys.*, 360 F.3d 583, 591 (6th Cir. 2004); *Youngberg v. McKeough*, No. 1:10-CV-916, 2012 WL 6200650, at *2 (W.D. Mich. Dec. 12, 2012). There is no dispute that copying charges are allowable cost items. *See* 29 U.S.C. § 1920(4). However, where, as here, Plaintiff was able to obtain copies at 10 cents per page from the prison, his election to obtain copies at 20 cents per page is not reasonable and necessary. Accordingly, copying charges will be reduced to \$113.80.

Finally, Defendants object to Plaintiff's inclusion of \$4,426.06 as other costs. Plaintiff's trial counsel was reimbursed \$4,426.06 for costs through the Court's Pro Bono Plan. Plaintiff leaves it to the Court's discretion whether to require Defendants to reimburse these costs to the Pro Bono Plan as taxable costs. The Court declines to do so. It has not been the Court's practice to require reimbursement to the Pro Bono Plan as a taxable cost,

and Plaintiff has not persuaded the Court that the facts of this case compel a different response. Accordingly,

IT IS HEREBY ORDERED that COSTS ARE TAXED in the amount of **\$263.80.**

Dated: August 28, 2013

/s/ Robert Holmes Bell

ROBERT HOLMES BELL

UNITED STATES DISTRICT JUDGE